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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,336	11/29/2001	Yakov Kamen	ISURFTV150	4993
52940	7590	03/21/2007	EXAMINER	
TODD S. PARKHURST			VAN HANDEL, MICHAEL P	
HOLLAND & KNIGHT LLP			ART UNIT	PAPER NUMBER
131 S. DEARBORN STREET				2623
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CHICAGO, IL 60603				

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/997,336	KAMEN ET AL.
	Examiner Michael Van Handel	Art Unit 2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 18 December 2006.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1,3-9, 11-17, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1, 3-9, 11-17, 19, and 20 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
  1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/18/2006 has been entered.

### *Response to Amendment*

1. This action is responsive to an Amendment filed 12/18/2006. Claims 1, 3-9, 11-17, 19, and 20 are pending. Claims 1, 9, 17, 19, and 20 are amended. Claims 2, 10, and 18 are canceled.

### *Response to Arguments*

1. Applicant's arguments regarding claims 1, 9, and 17, filed 12/18/2006, have been fully considered, but they are not persuasive.

Regarding claims 1, 9, and 17, the applicant argues that Davis et al. fails to disclose selectively removing, absent manual input, at least one character from a text of a program title to create an abbreviated program title, the abbreviated program title retaining an essential meaning of the program title, the selectively removing comprising parsing the text of the program title, determining at least one nonessential, non relational word of the program title, and removing the nonessential, non relational word from the program title. The applicant specifically argues that

the disclosure of Davis et al. is very different from “selectively removing, absent manual input, ...,” because Davis et al. describes an interactive system in which a live editor intervenes, i.e., manually edits a title for the sole purpose of fitting a designated space and that this editor is a user. The examiner respectfully disagrees. Firstly, the examiner fails to find adequate support for the newly added claim language “absent manual input” (see rejections under 35 USC § 112 below). Additionally, as noted in the Office Action mailed 7/14/2006, Davis et al. discloses an interactive computer program used to edit program listings data (col. 17, l. 44-46). A data processor 115 determines how much space is required to display a title based on its character length (col. 18, l. 1-3). If the data processor determines that a full title requires too much space to fit into one or more grid cells, the title is presented to an editor using a display device connected to the data processor. The editor is then queried to alter the title so that it will fit in the allotted space (col. 18, l. 12-18). Although the editor manually edits the title, the processor and interactive computer program ultimately perform the editing in response to the manual input. As such, the editing software/hardware can be construed as performing the editing absent manual input. Thus, the examiner maintains that Davis meets the limitation of “selectively removing, absent manual input, at least one character from a text of a program title to create an abbreviated program title, the abbreviated program title retaining an essential meaning of the program title, the selectively removing comprising parsing the text of the program title, determining at least one nonessential, non relational word of the program title, and removing the nonessential, non relational word from the program title,” as currently claimed.

Further regarding claims 1, 9, and 17, Davis et al. discloses that, prior to querying an editor to shorten a title, the data processor compares the title with a stored library of shortened

titles to determine if the title had previously been shortened while editing another listings database. If the title has been previously shortened, the title is automatically edited (col. 18, l. 35-45). This also meets the limitation of “selectively removing, absent manual input, at least one character from a text of a program title to create an abbreviated program title, the abbreviated program title retaining an essential meaning of the program title, the selectively removing comprising parsing the text of the program title, determining at least one nonessential, non relational word of the program title, and removing the nonessential, non relational word from the program title,” as currently claimed.

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.
2. Claims **1, 3-9, 11-17, 19, and 20** are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claims **1, 9, and 17**, the examiner fails to find support in the applicant’s specification for selectively removing “absent manual input.” Applicant’s specification indicates the use of title abbreviation software at a set-top box, head end, or server (p. 2, paragraph 28);

however, the examiner fails to find any indication that this software is used absent manual input, as required by newly the newly amended claims.

Claims 3-8, 11-16, 19, and 20 are rejected being dependent on rejected independent claims 1, 9, and 17.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 9, 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Davis et al.

Referring to claims 1 and 9, Davis et al. discloses a machine-readable medium/method comprising:

- selectively removing, absent manual input, at least one character from a text of a program title to create an abbreviated program title, the abbreviated program title retaining an essential meaning of the program title, the selectively removing comprising parsing the text of the program title, determining at least one nonessential, non relational word of the program title, and removing the nonessential, non relational word from the program title (col. 17, l. 44-46 & col. 18, l. 1-3, 12-22, 35-45)(Figs. 11a-11b); and

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- displaying the abbreviated program title in a program title field of an onscreen program guide, the program title field capable of displaying a specified number of characters (col. 19, l. 19-27).

Referring to claim 17, Davis et al. discloses an apparatus comprising:

- a memory 115 (col. 17, l. 49-50)(Fig. 1);
- a program title stored within the memory (col. 17, l. 60-63);
- a program title abbreviation software stored within the memory (col. 18, l. 13-21);
- a processor to execute the program title abbreviation software such that an abbreviated program title is created, the abbreviated program title containing a specified number of characters, the abbreviated program title retaining an essential meaning of the program title, the abbreviated title generated by parsing the text of the program title, determining at least one nonessential, nonrelational word of the program title, and removing the nonessential, nonrelational word from the program title (col. 18, l. 13-22, 36-43)(Figs. 11a-11b); and
- a display device capable of displaying the specified number of characters (col. 18, l. 15).

#### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims **3-5, 8, 11-13, 16, 19-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. in view of Kudrolli et al.

Referring to claims **3, 11, and 19**, Davis et al. discloses the methods/apparatus of claims 1, 9, and 17, respectively. Davis et al. does not disclose:

- d) determining at least one relational word of the program title; and
- e) replacing the at least one relational word with a representative character.

Kudrolli et al. discloses replacing the word “and” with the character “&” in order to cope with display space constraints in computer software (Fig. 20). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Davis et al. to include replacing the word “and” with the character “&” such as that taught by Kudrolli et al. in order to make program guides more useful for a viewer and more pleasant to watch (Davis et al. col. 2, l. 38-41).

Referring to claims **4, 12, and 20**, the combination of Davis et al. and Kudrolli et al. teaches:

- a) determining at least one essential word of a program title;
- b) determining the number of characters necessary to display the at least one essential word; and
- c) abbreviating the at least one essential word if the number of characters necessary to display the at least one essential word is greater than the specified number of characters (Kudrolli et al. col. 7, l. 48-55).

Referring to claims **5 and 13**, the combination of Davis et al. and Kudrolli et al. teaches:

- f) determining a plurality of essential words of the program title;

g) determining the number of characters necessary to display the plurality of essential words; and

h) removing an essential word if the number of characters necessary to display the plurality of essential words is greater than the specified number of characters (the examiner notes that the title word will be deleted only if the prior four steps are exhausted (col. 7, l. 61).

Referring to claims 8 and 16, the combination of Davis et al. and Kudrolli et al. teaches that an essential word occurring most frequently in a database is removed (Kudrolli et al. col. 7, l. 40-47).

5. Claims 6, 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. in view of Knauft et al.

Referring to claims 6 and 14, Davis et al. discloses the methods of claims 1 and 9, respectively. Davis et al. does not disclose that the at least one nonessential, nonrelational word comprises all of the words selected from the group consisting of adverbs, adjectives, prepositions, and articles. Knauft et al. discloses an electronic document retrieval system that removes adjectives or adverbs from the document prior to presenting the document to an information retrieval (IR) engine. It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify Davis et al. to include removing adjectives or adverbs from an electronic document prior to its presentation such as that taught by Knauft et al. in order to provide information to a system that is almost as usable as the original (col. 2, l. 31-

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33). The USPTO considers the applicant's "selected from the group consisting of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

6. Claims 7, 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davis et al. in view of Kudrolli et al. and further in view of Hejna, Jr.

Referring to claims 7 and 15, the combination of Davis et al. and Kudrolli et al. teaches the methods of claims 4 and 12, respectively. The combination of Davis et al. and Kudrolli et al. does not teach that the at least one essential word comprises all of the words selected from the group consisting of subject, object nouns, and verbs. Hejna, Jr. discloses removing articles and adjectives from conceptual information contained within TV broadcasts to provide output comprised only of nouns and noun phrases (col. 14, l. 16-19)(col. 16, l. 46-51). It would have been obvious to one of ordinary skill in the art at the time that the invention was made to modify the combination of Davis et al. and Kudrolli et al. to include providing output comprised only of nouns and noun phrases such as that taught by Hejna, Jr. in order to make a program guide more useful to a viewer and more pleasant to watch (Davis et al. col. 2, l. 38-41). The USPTO considers the applicant's "selected from the group consisting of" language to be anticipated by any reference containing any of the subsequent corresponding elements.

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Van Handel whose telephone number is 571-272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MVH



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PRIMARY PATENT EXAMINER